

DEPARTMENT OF PERSONNEL ADMINISTRATION

OFFICE OF THE DIRECTOR

1515 "S" STREET, NORTH BUILDING, SUITE 400
SACRAMENTO, CA 95814-7243

June 3, 2008

The Honorable Denise Ducheny
Chair, Joint Legislative Budget Committee
State Capitol, Room 5035
Sacramento, California 95814

**Re: Bargaining Unit 19 (Health and Social Services Professionals)—AFSCME
Bargaining Unit 18 (Psychiatric Technicians)—CAPT**

**Addendum for Personnel Relocation Costs Associated with Agnews
Closure—Fiscal over \$250,000**

Bargaining Unit 19: Health and Social Services Professionals

On May 13, 2008, DPA and representatives of State Bargaining Unit 19 reached agreement on issues related to the Agnews Developmental Center closure.

Bargaining Unit 18: Psychiatric Technicians

On May 15, 2008, DPA and representatives of State Bargaining Unit 18 reached agreement on issues related to the Agnews Developmental Center closure.

Both agreements share similar economic provisions:

Both agreements are essentially the same, and contain the following provisions:

- \$3,500 in relocation assistance to all employees who voluntarily report to another position within the Department of Developmental Services (DDS) at a location other than the Agnews location. Less than full-time employees will receive the Relocation Assistance on a pro-rated basis.
 - Thirty days prior to the specified reporting date the employee shall be advanced \$1,750, less required deductions and taxes. Failure to report to work will result forfeiture of the advance and any advanced monies will be collected, as specified.

- Ninety days after the first actual day of work, if the employee remains on active duty, the remaining \$1,750 will be paid. Failure to complete the 90 days will result forfeiture of the advance and any advanced monies will be collected, as specified.
 - Relocation assistance shall not be subject to CalPERS deductions or be used to calculate retirement benefits, nor shall it impact the calculation of hourly rates of pay of any other type of leave balance.
 - This is the sole relocation assistance provided. Relocation is not required by the department, and is thus voluntary on the part of employees.
- Employees who relocate within DDS will have the option to cash out no fewer than 40 hours, and no more than 80 hours, of accrued vacation/annual leave.
 - Payout for this provision shall be 3 weeks prior to the effective reporting date at the new DDS location.
 - For employees who choose not to cash out vacation/annual leave, the vacation/annual leave balances will be transferred with the employees to their new positions.
 - Employees who relocate within DDS or who report to other state employment will have the option to cash out their compensating time off, excess time, holiday time, and personal leave time three weeks prior to reporting to their new assignments.
 - Employees who do not do not report to another DDS location or to another position in state employment will still receive a cash-out for these items, as required by law, but it shall not occur until the last day of employment.

Non-Economic Provisions

Both agreements have various non-economic provisions relating to working conditions, including placement and seniority, probationary periods, time off, reasonable accommodation, and other issues. These provisions are detailed in the attached agreements.

Cost

The costs associated with these agreements are one-time costs. The cost of cashing out compensating time off, excess time, holiday time, and personal leave time will have to be paid by the department regardless of this agreement; however, this agreement provides for the payment of these items at an earlier date for employees who remain in state employment.

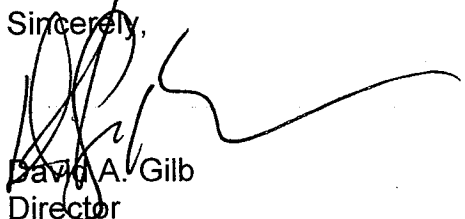
DPA has verified with DDS and the Department of Finance that costs for cashing out vacation/annual leave and relocation assistance have been anticipated and will be paid for out of existing funds in the Department of Developmental Services.

Timing to implement this agreement is critical.

The need for relocation assistance is timed to the closure of the Agnews facility. The Legislature, DDS, and DPA have long been aware of the imminent closure and have been working toward this end for over a year. DDS has provided detailed reports to the Legislature regarding the closure since January, 2005. These reports may be found in detail on DDS' website at http://www.dds.ca.gov/AgnewsClosure/ACP_Reports.cfm. Therefore, DPA respectfully requests that the Legislature give strong consideration to immediate approval of these agreements, without the need for further legislation.

If you have any questions, please contact Pamela Schneider, Legislative Coordinator, at 327-2348.

Sincerely,


David A. Gilb
Director

Attachments

cc: Members
Joint Legislative Budget Committee

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LAO

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Office of the Legislative Analyst

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Joint Legislative Budget Committee

Diana Ducay, Program Budget Manager
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**AGREEMENT REACHED ON MAY 13, 2008 BETWEEN THE STATE OF
CALIFORNIA AND AMERICAN FEDERATION OF STATE, COUNTY, AND
MUNICIPAL EMPLOYEES (AFSCME)
CONCERNING
DEPARTMENT OF DEVELOPMENTAL SERVICES
AGNEWS DEVELOPMENTAL CENTER CLOSURE**

All Bargaining Unit (BU) 19 positions in the outpatient clinic at Agnews Developmental Center (ADC) will be offered based on total State seniority. The most senior eligible employee shall be offered the position first and if they decline, it shall be offered to the next senior person until the allocation is filled. Eligibility for less than full-time employees will be based on the State Personnel Board's Personnel Management Policy and Procedures Manual (PMPPM) Section 380.

All BU 19 represented employees will have SROA/Surplus status for a minimum of 120 days. SROA shall be extended by the State consistent with the layoff date of each employee, in increments up to a maximum 120 calendar days per SROA Policy and Procedure Manual. Implementation effective March 26, 2008.

- A. Upon request and with prior supervisory approval, a BU 19 represented Individual Program Coordinator (IPC) will be provided one-on-one assistance in the Marchesi Career Center for a reasonable amount of State time to help identify classifications available to them in State service.
- B. Upon request, and with prior supervisory approval, a BU 19 employee, on their scheduled work day, who wants to attend a bona-fide job fair will be provided a reasonable amount of State time.
- C. All BU 19 represented employees on SROA/Surplus status, with prior supervisory approval, will be allowed reasonable amount of State time to participate in verifiable employment interviews.

Verification will consist of:

- A. letter inviting you to an interview signed and dated by the person employee interviewed with or
- B. a form developed by Agnews which includes date and time of interview and is signed by the person conducting the interview.

CTO, Holiday Time and Personal Leave

Upon request of the Agnews Developmental Center (ADC) employee who voluntarily reports to other DDS locations, DDS agrees to cash out CTO, Holiday Time, Excess Time and Personal Leave to a zero balance. The cash out of time will be paid prior to the effective reporting date to the new reporting site.

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Upon request to the Personnel Officer at ADC, ^{an} ADC employee who voluntarily reports to other State employment, DDS agrees to cash out CTO, Excess Time and Holiday Time to a zero balance. The cash out of time will be paid prior to the effective reporting date to the new reporting site. If no request is received, all CTO and Excess Time balances will be cashed out to the employee on the last day of employment with DDS.

Vacation/Annual Leave Cash Out

Employees who voluntarily report to their new work location within DDS will have the option to cash out no fewer than 40 hours vacation or annual leave accumulation but no more than 80 hours. Vacation/annual leave cash out will be paid prior to the effective reporting date at the new DDS location.

RELOCATION ASSISTANCE

1. This Relocation Assistance is provided to Agnews Developmental Center (ADC) BU 19 impacted employees who relocate to another position with the Department of Developmental Services (DDS). The amount of the Relocation Assistance shall be three thousand and five hundred (\$3,500) dollars.

No Relocation Assistance provision(s) shall apply to BU 19 Community State Staff (CSS) assigned employees.

No Relocation Assistance provision shall apply to BU 19 staff accepting a position in the Outpatient Clinic (Primary Care Clinic).

2. RELOCATION ASSISTANCE

This Relocation Assistance provision is effective upon ratification by the State. This benefit begins February 7, 2008, and terminates upon the establishment of the re-employment list for the Bargaining Unit 19 classification.

Employees shall report to their deployed facility on the date specified as the reporting date and be ready, willing and able to work.

Employees must be on active status ninety (90) days from the first day of actual work.

3. ADVANCE AGAINST RELOCATION ASSISTANCE

Thirty (30) days prior to the specified reporting date, an employee who has accepted a position in another DDS facility will be issued an advance against the Relocation Assistance in the amount of one thousand seven hundred and fifty (\$1,750) dollars less required deductions and/or taxes.

Failure to report on the specified reporting date as directed above will result in the loss of the Relocation Assistance. Recovery of the advance will be handled by deduction of earnings, against accrued leave balances and/or garnishment of wages/salary. If necessary, DDS will also file a claim for reimbursement with the Franchise Tax Board for any remaining balance due.

Failure to complete the 90-day active work status requirement indicated above will result in recovery of the advance and forfeiture of the balance of the Relocation Assistance as indicated in the above conditions.

4. BALANCE OF THE RELOCATION ASSISTANCE

Ninety (90) calendar days after the first actual day of work, the remainder of the Relocation Assistance of one thousand seven hundred and fifty (\$1,750) dollars, less required deductions and/or taxes, will be issued to the employee.

Failure to complete the conditions/requirements indicated above will result in the forfeiture of the advance against Relocation Assistance and balance of Relocation Assistance and recovery of the forfeiture will be handled as indicated above.

The Relocation Assistance will be treated in the following manner:

- a. There will be no partial payment for fewer than ninety (90) calendar days from the first actual work day.
- b. Employees with less than a full-time time base will receive the Relocation Assistance on a prorated basis.
- c. The Relocation Assistance will not be subject to PERS deductions.
- d. The Relocation Assistance will not count in the calculation of hourly rates of pay for overtime, IDL, NDI or lump sum cash out vacation, sick leave or any other leave balance.

This agreement is the sole provision providing Relocation Assistance. No other Relocation Assistance is provided except by incorporation into this agreement as a result of the impact negotiations over layoffs and the closure of ADC.

Ratification

This agreement will be effective when all of the following are met:

- The tentative agreement is approved by the Legislature

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- The expenditure of funds is approved by the Legislature
- The agreement is ratified by AFSCME represented DDS Unit 19 employees.

STATE

Bruce M. Jones for DDS

Karen Clark

Jackie Cenants

Robert Sullivan

Bruce M. Meneely

Julia Chambers

Rebecca
McFarlane

AFSCME

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JUL 08.07